

111TH CONGRESS
1ST SESSION

S. 1348

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. MARTINEZ, Mr. ISAKSON, Mr. COCHRAN, Mr. BURR, Mr. BROWNBACK, Mr. VITTER, Mr. WICKER, Mr. BAUCUS, Mr. TESTER, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hunting Heritage Pro-
5 tection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) hunting is an important and traditional rec-
2 reational activity in which 13,000,000 people in the
3 United States 16 years of age and older participate;

4 (2) hunters have been and continue to be
5 among the foremost supporters of sound wildlife
6 management and conservation practices in the
7 United States;

8 (3) persons who hunt and organizations relating
9 to hunting provide direct assistance to wildlife man-
10 agers and enforcement officers of the Federal Gov-
11 ernment and State and local governments;

12 (4) purchases of hunting licenses, permits, and
13 stamps and excise taxes on goods used by hunters
14 have generated billions of dollars for wildlife con-
15 servation, research, and management;

16 (5) hunting is an essential component of effec-
17 tive wildlife management by—

18 (A) reducing conflicts between people and
19 wildlife;

20 (B) balancing wildlife populations with the
21 natural carrying capacity of the land; and

22 (C) providing incentives for the conserva-
23 tion of—

24 (i) wildlife; and

1 (ii) habitats and ecosystems on which
2 wildlife depend;

3 (6) each State has established at least 1 agency
4 staffed by professionally trained wildlife manage-
5 ment personnel that has legal authority to manage
6 the wildlife in the State; and

7 (7) hunting is an environmentally beneficial ac-
8 tivity that occurs, and can be provided for, on Fed-
9 eral public land without adverse effects on other
10 uses of the land.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) AGENCY HEAD.—The term “agency head”
14 means the head of any Federal agency that has au-
15 thority to manage a natural resource or Federal
16 public land.

17 (2) FEDERAL PUBLIC LAND.—

18 (A) IN GENERAL.—The term “Federal
19 public land” means any land or water that is—

20 (i) publicly accessible;

21 (ii) owned by the United States; and

22 (iii) managed by an executive agency
23 for purposes that include the conservation
24 of natural resources.

1 (B) EXCLUSION.—The term “Federal pub-
 2 lic land” does not include any land held in trust
 3 for the benefit of an Indian tribe or member of
 4 an Indian tribe.

5 (3) HUNTING.—The term “hunting” means the
 6 lawful pursuit, trapping, shooting, capture, collec-
 7 tion, or killing of wildlife.

8 **SEC. 4. HUNTING.**

9 (a) IN GENERAL.—Subject to existing rights, Federal
 10 public land shall be open to access and use for hunting
 11 except as limited by—

12 (1) the agency head with jurisdiction over the
 13 Federal public land—

14 (A) for reasons of national security;

15 (B) for reasons of public safety; or

16 (C) for any other reasons for limiting ac-
 17 cess authorized by applicable Federal law; and

18 (2) any law of the State in which the Federal
 19 public land is located that is applicable to hunting.

20 (b) MANAGEMENT.—Consistent with subsection (a),
 21 to the extent authorized under State law, and in accord-
 22 ance with applicable Federal law, each agency head shall
 23 manage Federal public land under the jurisdiction of the
 24 agency head in a manner that supports, promotes, and
 25 enhances access for hunting.

1 (c) NO NET LOSS.—

2 (1) IN GENERAL.—Each agency head shall, to
3 the maximum extent practicable, ensure that Fed-
4 eral public land management decisions and actions
5 result in no net loss of land area accessible for hunt-
6 ing on Federal public land.

7 (2) ANNUAL REPORT.—Not later than October
8 1 of each year, each agency head with authority to
9 manage Federal public land on which hunting occurs
10 shall submit to the Committee on Agriculture, Nutri-
11 tion, and Forestry and the Committee on Energy
12 and Natural Resources of the Senate and the Com-
13 mittee on Agriculture and the Committee on Natural
14 Resources of the House of Representatives a report
15 that describes—

16 (A)(i) any Federal public land adminis-
17 tered by the agency head in which access for
18 hunting was limited at any time during the year
19 as compared to access available during the pre-
20 vious year; and

21 (ii) the reason for the limitation; and

22 (B) areas administered by the agency head
23 that were opened to hunting to compensate for
24 the limitations of the areas described in sub-
25 paragraph (A)(i).

1 (3) CLOSURES OF 5,000 OR MORE ACRES.—The
2 withdrawal, change of classification, or change of
3 management status that effectively closes or limits
4 access to 5,000 or more acres of Federal public land
5 for hunting shall take effect only if, before the date
6 of withdrawal or change, the agency head that has
7 jurisdiction over the Federal public land submits to
8 the Committee on Agriculture, Nutrition, and For-
9 estry and the Committee on Energy and Natural Re-
10 sources of the Senate and the Committee on Agri-
11 culture and the Committee on Natural Resources of
12 the House of Representatives written notice of the
13 withdrawal or change.

14 (d) AREAS NOT AFFECTED.—Nothing in this Act
15 compels the opening to hunting of national parks or na-
16 tional monuments under the jurisdiction of the Secretary
17 of the Interior.

18 (e) NO PRIORITY.—Nothing in this Act requires a
19 Federal agency to give preference to hunting over other
20 uses of Federal public land or over land or water manage-
21 ment priorities established by Federal law.

22 (f) AUTHORITY OF THE STATES.—

23 (1) SAVINGS.—Nothing in this Act affects the
24 authority, jurisdiction, or responsibility of a State to
25 manage, control, or regulate fish and wildlife under

1 State law on land or water in the State, including
2 Federal public land.

3 (2) FEDERAL LICENSES.—Nothing in this Act
4 authorizes an agency head to require a license or
5 permit to hunt, fish, or trap on land or water in a
6 State, including on Federal public land in the State.

7 (3) STATE RIGHT OF ACTION.—

8 (A) IN GENERAL.—Any State aggrieved by
9 the failure of an agency head or employee to
10 comply with this Act may bring a civil action in
11 the United States District Court for the district
12 in which the failure occurs for a permanent in-
13 junction.

14 (B) PRELIMINARY INJUNCTION.—If the
15 district court determines, based on the facts,
16 that a preliminary injunction is appropriate, the
17 district court may grant a preliminary injunc-
18 tion.

19 (C) COURT COSTS.—If the district court
20 issues an injunction under this paragraph or
21 otherwise finds in favor of the State, the dis-
22 trict court shall award to the State any reason-
23 able costs of bringing the civil action (including
24 an attorney's fee).

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